

OCT 22 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OSCAR CASTILLO-RAMIREZ,

Defendant - Appellant.

No. 08-50567

D.C. No. 3:08-CR-02757-RTB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted October 13, 2009**

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Oscar Castillo-Ramirez appeals from the 24-month sentence imposed following his guilty-plea conviction for transportation of illegal aliens and aiding and abetting, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii), (a)(1)(A)(v)(II). We

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Castillo-Ramirez contends the district court procedurally erred by:

(1) declining to compare his conduct to similar conduct in other cases; (2) failing to provide sufficient reasons for imposing a sentence six months above the Guidelines range; and (3) relying on clearly erroneous facts. These contentions are belied by the record. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc).

Castillo-Ramirez also contends that his sentence is substantively unreasonable. In light of the totality of the circumstances of this case and the factors set forth in 18 U.S.C. § 3553(a), the sentence is not substantively unreasonable. *See Gall v. United States*, 552 U.S. 38 (2007); *Carty*, 520 F.3d at 991-93.

AFFIRMED.